

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 25 2003

Temple University Hospital
Susan B. Smith, Associate University Counsel
400 Carneell Hall (040-07)
1803 N. Broad Street
Philadelphia, PA 19122

**Re: Follow-up 104(e) Request -Temple University Hospital
Lower Darby Creek Area Superfund Site
Delaware and Philadelphia Counties, Pennsylvania**

Dear Ms. Smith:

The U.S. Environmental Protection Agency ("EPA") has received the response of Temple University Hospital ("Temple") to its October 3, 2001 Information Request. Based on that response and information obtained by EPA as part of its investigation, EPA is seeking additional information concerning the waste disposal activities of Bridgestone in Philadelphia between 1958 and 1976.

EPA has reviewed your previous information request response dated November 30, 2001 and has determined that additional information and clarification is needed in order to complete its investigation. EPA hereby requests that Temple respond completely and timely to the information requested in Enclosure F to this letter.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Temple is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.



You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an authorized official of Temple. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

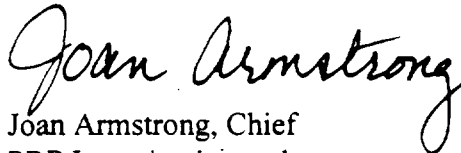
All documents and information should be sent to:

Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any question concerning this matter, please contact Carlyn Winter Prisk at (215) 814-2625 or you may have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,



Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: List of Contractors that May Review Your Response
 Enclosure C: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Information Requested

cc: Brian Nishitani, Esq. (3RC44)
 Carlyn Prisk (3HS11)
 April Flipse (PADEP)
 Craig Olewiler (PADEP)

Enclosure A



- List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
Tri State Enterprise Incorporated
 - Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
 - Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
 - IT Corporation - Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
 - Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
Subcontractor:
Enviro Consultants Group
 - Universe Technologies -
Contract #68-S3-99-02
 - Tech Law, Inc. -
Contract #68-W-00-108
 - WRS Infrastructure & Environment,
Inc. - Contract # 68-S3-03-02
 - Kemron Environmental Services
Contract # 68-S3-03-05
 - Industrial Marine Services, Inc.
Contract # 68-S3-03-03
 - Guardian Environmental Services, Inc.
68-S3-03-04
- List of Inter-Agency Agreements
- General Services Administration
CERCLA File Room
Contractor: Booz-Allen & Hamilton
 - General Services Administration
Spectron Superfund Site
Contractor: Booz-Allen & Hamilton
 - General Services Administration
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
- National Association of Hispanic
Elderly - #CQ-822511
 - AARP Foundation (Senior
Environmental Employment) -
#824021
#823952

Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (see Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.

Enclosure D

Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, ~~will or~~ may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure C, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

Information Requested

By letter dated November 30, 2001, Temple responded to EPA's October 4, 2001 Information Request. Subsequent to Temple's response, EPA conducted additional witness interviews which revealed that Tri-County Hauling, Inc. ("TCH") disposed of medical waste from Temple at the Folcroft Landfill (attached). Based on that evidence, EPA requests that Temple provide answers to the following:

1. Regarding Temple's response to Question 5(a) of EPA's October 4, 2001 Information Request, please identify each person who has been the custodian of documents for Temple since 1958.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Lower Darby Creek Area Superfund Site Interview Summary Confidential Source #9



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

Name: [REDACTED] (WITNESS)
C/O Joseph F. O'Dea, Jr., Saul Ewing, LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102

Affiliation: Former Employee/Tri-County Hauling

Telephone: (215) 972-7109

Type of Interview: In-Person

Date of Interview: March 14, 2002

On March 14, 2002, the WITNESS was interviewed at [REDACTED] by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is represented by Joseph F. O'Dea, Jr. in this matter. This interview was not tape-recorded. The following individuals were also present during this interview.

- Brian Nishitani: Attorney for the United States Environmental Protection Agency, Region III (USEPA).
- Carlyn Prisk: Civil Investigator for the USEPA.
- Joseph F. O'Dea, Jr.: Attorney representing Waste Management Corporation and [REDACTED]
- Cathleen Devlin: Attorney representing Waste Management Corporation.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Site and this map was used throughout the interview.

The WITNESS was asked to explain his association with the site.

The WITNESS stated that he worked for Tri-County Hauling from [REDACTED] [REDACTED] is a waste-hauler/truck driver. He indicated that he drove both a roll-off truck and rear-end loader during the time he worked for Tri-County Hauling.

- Pennsylvania Electric Company, 23rd and Market: Trash can waste.
- Penn Tower: Contents of a 1-yard container of unknown waste.
- Philadelphia Electric on County Road: Glass and wire
- UPS in Ardmore: Paper and packaging material.
- Forester Inn in Ardmore: Trash can waste.
- Tile House in Ardmore: Trash can waste.
- Deegans Restaurant on 15th and Locust, Philadelphia: Trash can waste.
- Bradley's Restaurant on Juniper Street, Philadelphia: Trash can waste.
- Quachowitz Glass Company on Broad and Washington Streets in Philadelphia: Manufactured home windows.
- MAB Bruder: Compactor container containing bags with a powder that is used to mix with paint.
- Firestone Store in Ardmore: Trash can waste.
- K-Mart in Yeadon: Dumpster
- Acme in Chichester: Open container

When asked if he picked up waste at the Navy Yard, the WITNESS stated that he picked up a roll-off container from that location and described the waste as being old pipes.

When asked the names of other waste transporters that disposed of waste at Folcroft, the WITNESS provided the following names:

(The WITNESS stated that he was not sure of the spelling or complete names of these companies)

- Charles Crawley Waste Hauling
- Bernie McHugh
- McKarnen Waste
- Barratt Roofing
- General Electric Company: The WITNESS stated that General Electric had one 2.5-ton state body truck with wooden sides that disposed of an unknown waste at Folcroft.

When asked if he had ever observed the disposal of liquid waste at Folcroft, the WITNESS stated that he did observe a tanker truck disposing of liquid waste on one occasion. He indicated that the tanker caught fire and he assisted in bringing the truck driver to safety. The WITNESS stated that he could not recall the name of the driver or any names or markings on the truck. The WITNESS could not recall the approximate date this fire occurred.

When asked to describe how a truck entered Folcroft and what, if any, paper work was necessary to enter, the WITNESS stated there was a shack located at the entrance to Folcroft across the road from the Tri-County garage. The WITNESS stated that an employee of Folcroft was always in the shack and stopped all trucks entering Folcroft. For each truck entering Folcroft, a ticket was filled out by a Folcroft employee indicating the name of the company and the size of the truck. The WITNESS stated that all Tri-County trucks did not have to stop at this shack and were directed by the bulldozer operator at Folcroft to a location to dispose of their waste.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Lower Darby Creek Area Superfund Site Interview Summary Confidential Source #6



Name:

[REDACTED] (WITNESS)
C/O Joseph F. O'Dea, JR., Saul Ewing, LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102

Affiliation:

Former Employee/Tri-County Hauling

Telephone:

(215) 927-7109

Type of Interview:

In-Person

Date of Interview:

January 25, 2002

On January 25, 2002, the WITNESS was interviewed at the law offices of Saul, Ewing, LLP, 1500 Market Street, 38th Floor, Philadelphia, PA by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked. This interview was not tape-recorded. The following individuals were also present during this interview.

- Joseph F. O'Dea, JR.: Attorney representing Waste Management Corporation (WMC)
- Brian Nishitani: Attorney for the United States Environmental Protection Agency, Region III. (USEPA).
- Carlyn Prisk: Civil Investigator for the USEPA, Region III.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Site and this map was used throughout the interview.

The WITNESS was asked to explain his association with the Folcroft Landfill and Tri-County Hauling.

The WITNESS stated that Folcroft Landfill and Tri-County Hauling were owned by Bernie McNichol and managed and operated by Edward P. Mullen. The WITNESS stated that the office for Tri-County Hauling was located at the entrance to the Landfill and that all vehicles entering the Landfill had to stop at the entrance. A Folcroft Landfill employee would fill out a ticket indicating the name of the company and the size of the truck. If the Company was on a billing basis, the Folcroft employee would give the truck driver a copy of the ticket and turn in the original ticket to the Folcroft office and the company would be billed for the use of the

following companies that he picked up waste from and transported the waste to the Folcroft Landfill.

- MAB Bruder Paints (Bruder): The WITNESS explained that this company was located at 53rd and Lindbergh Avenue in Philadelphia, PA. He indicated that this Bruder mixed paints in preparation for retail sales. The WITNESS stated that he picked up waste on an on-call basis about 1 time each week. He indicated that Bruder had a holding tank located outside the rear of the building and that this tank contained paint and paint thinner. He described the tank as approximately 5-feet tall and 3-feet wide. The WITNESS stated that Bruder also had a 20-cubic yard dumpster located in the front of the building and that he picked up this container approximately one time each week.
- Pennsylvania Electric Company (PECO): The WITNESS stated that PECO was located at 23rd and Market Street and that he picked up a 20-cubic yard dumpster approximately 4-times each week. He indicated that this waste included some oilcans, dirty rags, wood and paper. The WITNESS stated that this location was used as a vehicle maintenance garage.
- United Custom Cardboard (United): The WITNESS stated that United was located in the northeast section of Philadelphia. He could not recall the exact location. He indicated that he picked up a 30 or 40-cubic yard container one time each week from this location. He described the waste as cardboard.
- Comley Container Company (Comley): The WITNESS stated that this company was located at Belmont Avenue and the Schuylkill River. The WITNESS stated that he picked up a 40-cubic yard container one time each week and described the waste as cardboard.
- TV Guide Company (TV Guide): The WITNESS stated that this company is located in Radner, PA and is the company that produces the TV Guide. The WITNESS stated that he picked up a 40-cubic yard container one time each week. He described the waste as paper.
- University of Pennsylvania Hospital (UPH): The WITNESS stated that he picked up a 40-cubic yard compactor container at this location one time each day. The WITNESS described the waste as all waste coming from the Hospital including medical waste. He indicated that the medical waste was usually placed in plastic bags and that some of these bags would fall out of the compactor. The Witness stated that on a few occasions he was stuck by needles when he picked up the loose plastic bags.
- Temple Hospital: The WITNESS stated that he picked up a 40-cubic yard compactor container about one time each day. He indicated that the waste would include all waste generated at the Hospital including medical waste.

The WITNESS stated that Tri-County Hauling supplied roll-off containers to numerous construction companies that were renovating large buildings. He indicated that Tri-County Hauling would pick up these containers when full, on an on-call basis, and dispose of the waste at the Folcroft Landfill. The WITNESS provided the names of the following locations

When asked the names of other Tri-County employees that may have knowledge of waste disposal activity at the Folcroft Landfill, the WITNESS provided the following. The correct spelling of these names has not been confirmed.

- Nat Cavanagh: Bookkeeper
- Tom Dugan: Dump truck driver
- Tom Carrol: Truck driver
- Harlon Wolfe: Truck driver
- Bill Baker: Deceased
- Frank Rueter: Worked in office
- Don Haldelman: Worked in office
- John Lee: Shop steward
- Joe Sanders
- Gordon Garling
- Teddy focht
- Eddie Smith
- Blinky Williams
- Harry Sanders: Deceased

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
[REDACTED]



TEMPLE UNIVERSITY
A Commonwealth University

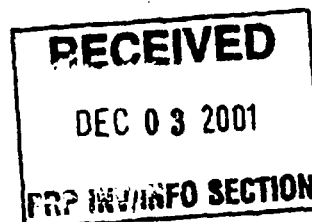
University Counsel

395426
400 Carnell Hall (040-47)
1803 N. Broad Street
Philadelphia, Pennsylvania 19122
(215) 204-6542
Fax: (215) 204-6804

November 30, 2001

BY FEDERAL EXPRESS

Ms. Carlyn Winter Prisk
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103



Re: Submission of Information – Lower Darby Creek Area Superfund Site

Dear Ms. Prisk:

On October 4, 2001, the U.S. Environmental Protection Agency ("EPA") asked Temple University Hospital to furnish all information and documents in [its] possession, custody or control, or in the possession, custody or control of any of [its] employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the [Lower Darby Creek Area Superfund] Site." The questions, contained in enclosure F to the EPA's October 4 letter, limit the period of time in question to the years 1958-1976.

Upon concluding its review of the EPA's request, Temple University Hospital is unable to conclude that any hazardous waste generated at "locations owned or operated by Temple University Hospital" were "transported to and disposed of at" the Lower Darby Creek Area Superfund Site." Specifically, Temple University Hospital's internal records do not indicate that it might have contributed hazardous waste to this Superfund site. In addition, documents Temple University Hospital obtained from the EPA pursuant to a Freedom of Information Act ("FOIA") Request suggest only that Tri-County Hauling removed non-hazardous municipal waste from Temple University Hospital from 1970-1976. There is no indication this waste is anything other than ordinary trash. Nor is there any indication that Tri-County Hauling or any other waste management company removed hazardous waste from Temple University Hospital during the relevant periods. In fact, from some of the records received through the FOIA request, it is clear that Tri-County Hauling was hauling non-hazardous municipal waste (e.g., from dormitories and kitchens). Therefore, Temple University Hospital believes that one cannot reasonably presume that Tri-County Hauling was engaged to haul hazardous waste at all.

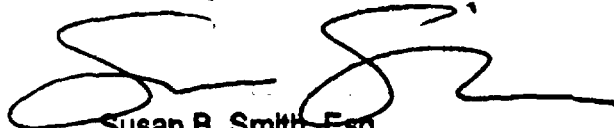
Ms. Carlyn Winter Prisk
November 30, 2001
Page 2

(b)(6)
(b)(7)(C)

Specific responses to the EPA's questions contained on Enclosure F to the EPA's October 4, 2001 letter are located in the attachment entitled "Temple University Hospital's Response to the EPA's October 4, 2001 Request for Submission of Information."

Please do not hesitate to contact me if I can provide you with additional information.

Sincerely,



Susan B. Smith, Esq.
Associate University Counsel

SBS/rak

cc: Dr. Lily Lodhi, Director, Environmental Health and Radiation Safety
Dr. Leon Malmud, CEO, Temple University Health System

**Temple University Hospital Inc.'s Response to the EPA's Attachment F
to its October 4, 2001 Request for Submission of Information**

(b)(6)
(b)(7)(C)

- 1. State the name of your company, its mailing address, and telephone number.**

Temple University Hospital, Inc.
Broad and Ontario Streets
Philadelphia, PA 19140
215-707-2000

Further Identify:

- a. The dates and states of incorporation of your company;**

Temple University Hospital, Inc. was incorporated in the Commonwealth of Pennsylvania on August 25, 1995.

- b. The date and original state of incorporation of your company; and**

Temple University Hospital was incorporated in the Commonwealth of Pennsylvania on August 25, 1995.

- c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.**

Temple University Hospital, Inc. is a non-profit subsidiary of Temple University Health System, Inc. Temple University Health System, Inc. is a wholly-owned subsidiary of Temple University – Of The Commonwealth System of Higher Education.

- 2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.**

The current and former nature of the business of the corporation is to operate a hospital and to provide medical care, medical education, and medical research.

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

Please see below. The names of many of the employees who signed waste disposal slips were illegible. The identified individuals may have had knowledge of Temple University Hospital's waste disposal activities in general; there is no indication that these individuals had knowledge of any hazardous waste disposal activities.

| Name & Last Known Address | Last Known Phone No. | Job Title | Dates of Employment |
|--|----------------------|----------------------------|---------------------|
| Ruth Gonzales 2442 N. 25 th Street Philadelphia, PA 19111 | 215-229-6281 | Room Aide | 10/22/63-1/31/97 |
| Gerome Shaw 7947 Provident Street Philadelphia, PA 19150 | 215-324-0915 | Building Manager | 7/28/65-5/03/93 |
| Burley Stith 5137 Stenton Avenue Philadelphia, PA 19144 | 215-842-2783 | Asst. Dir. Housekeeping | 12/27/63-03/01/95 |
| Leon Ware 6445 N. Broad Street Philadelphia, PA 19126 | 215-224-9357 | Service Attendant | 05/07/70-11/16/93 |
| Ronald Zelac 8150 New Second Street Elkins Park, PA 19117 | Unknown | Assistant Vice Provost | 8/24/70-5/13/91 |

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to present. For each owner and operator further provide:

The owner of the institution that is now known as Temple University Hospital, Inc. was Temple University - Of The Commonwealth System of Higher Education. The current owner of Temple University Hospital, Inc. is Temple University Health System, Inc., a wholly-owned subsidiary of Temple University - Of The Commonwealth System of Higher Education.

a. The dates of their operation;

Temple University Hospital has operated from 1892 to 1995. Temple University Hospital, Inc. was incorporated in 1995 and has operated as such since then.

b. The nature of their operation; and

Temple University Hospital, Inc. and its predecessor, Temple University Hospital, operate a hospital and provide medical care, medical education, and medical research.

c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no documents responsive to this request other than those attached to this response.

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no documents responsive to this request other than those attached to this response.

a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;

After reasonable investigation, to the best of its knowledge, Temple University Hospital possesses no information responsive to this request other than that contained in the attached documents.

b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and

Temple University Hospital, Inc., is located on the Temple University Health Sciences Center Campus. Temple University Health Sciences Center Campus (including Temple University Hospital, Inc.) has a

generator EPA identification number. After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no further information responsive to this request.

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- c. **Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

6. **Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analysis and Material Safety Data Sheets ("MSDS").**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents. By way of further response, Temple University Hospital, Inc. responds that to the best of its knowledge, in the provision of medical services, its predecessor may have used products typically used in the provision of such services, including, by way of example only, paper/stationery products, office supplies, medical supplies and housekeeping supplies. Temple University Hospital, Inc. has no information, after reasonable inquiry, regarding the individual constituents of each of the particular products its predecessor used from 1958-1976.

With respect to each such hazardous substance, further identify:

- a. **The process(es) in which each hazardous substance was used, generated, purchased, stored or otherwise handled;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- b. **The chemical composition, characteristics, and physical state (solid, liquid or gas) of each such hazardous substance;**

See response to Question 6.

- c. The annual quantity of each such hazardous substance, used, generated, purchased, stored, or otherwise handled;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

- e. The types and sizes of conditions in which these substances were transported and stored; and**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

- f. The persons or companies that supplied each such hazardous substance to your company.**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

- 7. Identify all by-products and wastes generated, stored, transported, treated, and disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976.**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. has no records of by-products or wastes generated, stored, transported, treated and disposed of, released, or otherwise handled by it, either directly or indirectly, for the time period of 1958-1976. Upon information and belief, to the best of its knowledge, Temple University Hospital, Inc.'s predecessor may have generated hazardous and non-hazardous waste. The non-hazardous waste probably consisted of solids and liquids, including, by way of example, cardboard, office paper, cans, minor building debris, and food waste. Hazardous waste may have included laboratory waste, waste hospital supplies and spent x-ray films.

With respect to each such by-product and waste identified, further provide:

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored or otherwise handled;**

Upon information and belief, non-hazardous waste generated by Temple University Hospital, Inc.'s predecessor was probably deposited in general trash cans scattered throughout the facility. Employees of the Environmental Services Department of Temple University Hospital, Inc.'s predecessor probably collected the non-hazardous waste from the general trash cans and deposited it in non-hazardous, municipal waste dumpsters. Upon information and belief, hazardous waste of Temple University Hospital, Inc.'s predecessor was segregated by employees whose duties included handling hazardous substances, and was disposed of in accordance with applicable laws.

- b. The chemical composition, characteristics, and physical state (solid, liquid or gas) of each such hazardous substance;**

After reasonable investigation, Temple University Hospital, Inc. has no information regarding the exact color, consistency, odor, size, shape or color of each type of waste it generated.

- c. The annual quantity of each such hazardous substance, used, generated, purchased, stored, or otherwise handled;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

- d. The types and sizes of containers used to treat, store, or dispose of each such by-product or waste;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

f. The location and method of treatment and/or disposal of each such by-product or waste.

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request.

8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, or Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal?

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that it contracted with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, or Schiavo Bros., Inc. during the period of 1958-1976. The attached documents indicate that Tri-County Hauling removed non-hazardous municipal waste from Temple University Hospital, Inc. during the relevant time period.

If so, for each transaction identified above, please identify:

a. The person with whom you made such a contract or arrangement;

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

b. The date(s) on which or time period during which such material was removed or transported for disposal;

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- d. The annual quantity (number of loads, gallons, drums) of such material;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- e. The manner in which such material was containerized for shipment or disposal;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- f. The location to which such material was transported for disposal;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- g. The person(s) who selected the location to which such material was transported for disposal;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no information responsive to this request other than that contained in the attached documents.

- 9. Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons who, between 1958 and 1976, may have:**

- a. Disposed of or treated materials at Clearview, Folcroft, and Folcroft Annex or other areas of the Site;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that any individual disposed of or treated materials at Clearview, Folcroft, or Folcroft Annex or other areas of the Site.

- b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that any person arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site.

- c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that any person arranged for the transportation of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site.

- 10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft, and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:**

- a. The date(s) on which such material was disposed of or treated at the Site;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that any material was disposed of or treated at Clearview, Folcroft and Folcroft Annex or any other areas of the Site.

- b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**

See response to Question 10.a.

- c. The annual quantity (number of loads, gallons, drums) of such material;**

See response to Question 10.a.

- d. The specific location on the Site where such material was disposed of or treated; and**

See response to Question 10.a.

- e. Any billing information and documents (Invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.**

See response to Question 10.a.

- 11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:**

- a. The date(s) the spill(s)/release(s) occurred;**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that it spilled or caused a release of chemicals, hazardous substances, hazardous waste or non-hazardous solid waste at any portion of Clearview, Folcroft or Folcroft Annex or any other portion of the Site.

- b. **The composition (i.e., chemical analysis) of the materials which were spilled/released;**

See response to Question 11.a.

- c. **The response made by you or on your behalf with respect to the spill(s)/release(s); and**

See response to Question 11.a.

- d. **The packaging, transportation, and final disposition of the materials which were spilled/released.**

See response to Question 11.a.

12. **Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.**

See response to Question 3 which is incorporated here by reference.

13. **Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.**

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. possesses no records that indicate that it ever conducted an environmental assessment or investigation relating to contamination at Clearview, Folcroft and Folcroft Annex.

14. **If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release or contamination at the Site, please provide such information. The information you provide in response to this request should include**

the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

After reasonable investigation, to the best of its knowledge, Temple University Hospital, Inc. does not have any information about other parties who may have information that may assist the EPA in its investigation of the Site.

15. Representatives of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.**

Susan B. Smith, Esquire
Associate University Counsel
Office of University Counsel
Temple University
400 Camell Hall
1801 North Broad Street
Philadelphia, PA 19122
215-204-6542

Lily Lodhi, Ph.D.
Director, Environmental, Health and Radiation Safety
Temple University
3307 North Broad Street
Philadelphia, PA 19140
215-707-3566

- b. Provide the name, title, current address and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.**

Susan B. Smith, Esquire
Associate University Counsel
Office of University Counsel
Temple University
400 Camell Hall
1801 North Broad Street
Philadelphia, PA 19122
215-204-6542

16. **If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:**

a. Your document retention policy;

Pursuant to the document retention practice of Temple University Hospital, Inc., personnel files are maintained in the Department of Human Resources for seven to ten years, according to space limitations. Records concerning hazardous material and hazardous wastes are retained as required by law by the Department of Environmental Health and Radiation Safety.

b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;

Records are generally destroyed by shredding, incineration, or if they are non-sensitive documents, disposal in the non-hazardous municipal waste stream by the office responsible for maintaining them upon expiration of the applicable document retention period.

c. A description of the type of information that would have been contained in the documents; and

See response to Question 16.a.

d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

After reasonable investigation, to the best of its knowledge, the Department of Environmental Health and Safety generally maintains hazardous waste manifests and related documents in accordance with applicable law and the Department of Human Resources maintains personnel files as is described in response to Question 16.a. Temple University Hospital, Inc., after reasonable investigation, to the best of its knowledge, possesses no further information responsive to this request.



395436

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

OCT 04 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Temple University Hospital
3509 N. Broad St.
9th Floor
Philadelphia, PA 19140

ORIGINAL

Attention: Dr. Leon Malmud, CEO

Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and
Folcroft Landfill Annex

Dear Dr. Malmud:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by the Temple University Hospital, may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require the Temple University Hospital (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances

Customer Service Hotline: 1-800-438-2474

ORIGINAL
(P. 2)

as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants ^(P. 2) and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Larry S. Miller
Chief, PRP Investigation and
Site Information Section

02/17/11
(R20)

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

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Enclosure A

Lower Darby Creek Area Site Map

Customer Service Hotline: 1-800-438-2474

Enclosure A



Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

List of Contractors that May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- Resource Applications, Inc. -
Contract #68-S3-003
Subcontracts to Resource Applications,
Inc. are:
C.C. Johnson & Malhotra, Inc.
Scientific & Environment Associates,
Inc.
Environmental Quality Management,
Inc.
- IT Corporation - Contract #68-S#-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Guardian Environmental Services, Inc.
Contract #68-S3-99-04
- ECG Industries, Inc. -
Contract #68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
- Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
- Tetra Tech NUS, Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS, Inc.
are:
Gannett Flemming, Inc.
Dynamac Corporation
C.C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. - Contract #68-W-00-108
Subcontractor to Tech Law, Inc. is:
Gannett Flemming, Inc.

List of Cooperative Agreements

- National Association of Hispanic Elderly
- #CQ-822511
- AARP Foundation (Senior
Environmental Employment)
- #824021, #823952

Enclosure D

Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. The dates and states of incorporation of your company;
 - b. The date and original state of incorporation of your company; and
 - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
 - a. The dates of their operation;
 - b. The nature of their operation; and
 - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
 - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
 - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
 - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - e. The types and sizes of containers in which these substances were transported and stored; and
 - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
 - a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;
 - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:

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- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and
 - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal

transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
15. Representative of your establishment(s):
 - a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
 - b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

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